

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

v.

CHERI SCHMIDT,

Defendant.

**CASE NO.: 1:14-cv-01096-GBL-TCB**

**PLAINTIFF'S FIRST MOTION FOR EXTENSION OF TIME WITHIN  
WHICH IT HAS TO EFFECTUATE SERVICE ON DEFENDANT CHERI SCHMIDT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC ("Plaintiff"), moves for entry of an order extending the time within which to effectuate service on Defendant Cheri Schmidt, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On September 2, 2014, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Comcast Cable Holdings, to obtain the Defendant's identifying information [CM/ECF 8]. Plaintiff issued the subpoena on September 7, 2014, and received the ISP's response on October 28, 2014.

3. On December 4, 2014, Plaintiff amended its Complaint to name the Defendant which was identified by the ISP [CM/ECF 11], and obtained a clerk issued summons to serve on the Defendant.

4. Upon receipt of the issued summons, Plaintiff immediately instructed its process server to begin attempting to serve the Defendant. To date, despite the process server's efforts, the Defendant has not been served.

5. Pursuant to the Rule 4 (m), Plaintiff is required to effectuate service on Defendant by, December 25, 2014.

6. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended by thirty (30) days, or until January 25, 2015.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until January 25, 2015. A proposed order is attached for the Court's convenience.

Dated: December 26, 2014

Respectfully submitted,

By: /s/ William E. Tabot, Esq  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ William E. Tabot